

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAISY MONTICH, on behalf of :  
herself and all others similarly situated, :

Plaintiffs

V.

MIELE USA, INC.,

Defendant

Civil Action No. 11-02725

## ORDER

This matter having been opened to the Court by Defendant, Miele USA, Inc.

(“Defendant”) on a Motion to Dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); the Court having considered the Motion pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date; and for good cause shown;

**IT IS** on this 27<sup>th</sup> day of March, 2012,

**ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**; specifically, it is

**ORDERED** that Count I is **DISMISSED WITH PREJUDICE**

**ORDERED** that Count II is **DISMISSED WITHOUT PREJUDICE** with leave for Plaintiff to file an amended complaint within 20 days of this Order; and

**ORDERED** that Defendant's Motion to Dismiss Counts III and IV is **DENIED**.

/s/ Freda L. Wolfson  
Honorable Freda L. Wolfson  
United States District Judge